

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated June 13, 2003. Claims 1-11, and 17-25 are currently pending. It is gratefully acknowledged that the Examiner finds allowable subject matter in Claims 5-8, 19, and 22-25.

In the Office Action, the Examiner has rejected Claims 1, 2, 9-11, 17, and 18 under 35 U.S.C. § 102(e) as being anticipated by *Chennakeshu et al.* (U.S. 6,192,503), and Claims 3, 4, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Chennakeshu et al.* in view of *Hagenauer et al.* (U.S. 6,377,610).

As stated above, the Examiner has rejected independent Claims 1 and 17 under 35 U.S.C. § 102(e) as being anticipated by *Chennakeshu*. Among other things, the Examiner asserts that *Chennakeshu* discloses a controller (160) for determining an iterative decoding number according received message information (column 9, lines 37-55). However, it is respectfully submitted that the Examiner is incorrect. There is no mention in this cited section or any other section of *Chennakeshu* that the signal strength determiner (160), which the Examiner equates with the controller of Claim 1, determines an iterative decoding number. Column 9, lines 37-55 recites that a signal strength determiner 160 determines the strengths of first and second received sequences, in order to select a stronger of the two signals. Further, *Chennakeshu* teaches using the stronger signal to potentially allow for "a reduction in the number of decoding iterations required to produce an estimate having a desired reliability". Therefore, it is respectfully submitted that there is no disclosure of determining an iterative decoding number as recited in Claims 1 and 17 of the present application.

Additionally, the present invention, as recited in Claims 1 and 17, teaches simultaneously transmitting a transmission message and information (an iterative decoding number) related to the transmission message. Further, a receiver determines the iterative decoding number by using

information related to a received transmission message and decodes the transmission message according to the determined iterative decoding number.

On the contrary, *Chennakeshu* teaches performing a decoding step of information related to a transmission message as well as a decoding step of the transmission message. Further, *Chennakeshu* discloses a feature for decoding a message of a higher received signal strength prior to a message of a lower signal strength, based on the received signal strength, regardless of an iterative decoding number. Additionally, *Chennakeshu* fails to teach any feature for determining an iterative decoding number. Therefore, it is respectfully submitted that Claims 1 and 17 are patentably distinct from *Chennakeshu*.

Additionally, as indicated above, independent Claims 1 and 17 have been amended to be further distinguished from the Examiner's cited art, more specifically, *Chennakeshu*. Accordingly, it is respectfully requested that the rejection of Claims 1 and 17 be withdrawn, and it is respectfully submitted that Claims 1 and 17 are in condition for allowance.

Rejected and objected to dependent Claims 2-11 and 18-25 depend from independent Claims 1 and 17, respectively, and therefore contain the same limitations as independent Claims 1 and 17. Therefore, for at least the same reasons given for independent Claims 1 and 17, Claims 2-11 and 18-25 are considered to be patentable.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-11, and 17-25, are in condition for allowance. Should the

Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

DILWORTH & BARRESE, LLP

333 Earle Ovington Blvd.

Uniondale, New York 11553

Tel: (516) 228-8484

Fax: (516) 228-8516

PJF/DMO/lah